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OLC 79-2363

9 August 1979

REFERENCE

MEMORANDUM FOR: See Distribution

STAT FROM :   
Chief, Legislation Division, OLC

SUBJECT : H.R. 4572 -- The "Public Printing  
Reorganization Act"

1. The "Public Printing Reorganization Act" would reorganize the Government Printing Office (GPO) as an independent establishment under a Board of Directors appointed by the President with the advice and consent of the Senate. The Bill would assign to the GPO the two major functions it has under current law: (1) distribution of public documents and (2) provision of public printing services.

2. The Bill's definition of "public document" (p. 2) excludes

... matter which, as determined by the issuing Government entity --

(A) is required for official administrative or operational purposes only and is without public interest or educational value; or

(B) is classified or designated under a statute of Executive Order as requiring a specific degree of protection against unauthorized disclosure for reasons of national defense or foreign policy ....

Consequently, the Bill's provisions requiring GPO distribution of all public documents would not interfere with the Agency's need for secrecy in executing its mission.

OL 9 3311

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3. The Bill's definition of "public printing services" (p. 3) includes any printing services furnished in whole or part at Government expense, which includes all printing done by CIA. The Bill would mandate that the GPO "develop and implement a central, comprehensive, and unified policy for the provision of public printing services ..." (p. 4) and that "all public printing services for the Government shall be provided through the Government Printing Office in accordance with regulations prescribed by the Board," except "when the interest of the Government so requires, public printing services may be provided other than through the Government Printing Office for a period of limited duration ...." (p. 16). The Bill makes clear that the judge of Government interest in non-GPO printing is the GPO Public Printer, with an appeal to the Chairman of the GPO Board. Thus, the continued operation of CIA's printing facilities would be at the mercy of the GPO if the provisions of H.R. 4572 concerning public printing services applied to the Agency. Under current law, all printing must be done by GPO unless the Joint Committee of the Congress on Printing approves otherwise, 44 U.S.C. §501.

4. Section 8 of The CIA Act of 1949, 50 U.S.C. §403j(a), provides that "notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions including -- ... purchase or rental and operation of photographic, reproduction, cryptographic, duplication, and printing machines, equipment and devices ...." We believe it may be advisable to take the position that due to the "notwithstanding" phrase, Section 8 would negate any contrary provisions in H.R. 4572 concerning public printing services, and thus Section 8 would continue to provide statutory authority for the Agency to run its printing operations.

5. The Bill would also require the DCI to designate an Agency Information and Resources Manager to coordinate Agency printing services and to serve as liaison to the GPO. The Manager would report directly to the DCI and would be under the supervision of no one else.

6. Please review the Bill and provide your comments to [redacted] of my staff by Wednesday, 15 August. Representative Augustus F. Hawkins (D., Calif.), Chairman of the Subcommittee on Printing of the House Committee on Administration, has requested the Agency's views for inclusion in the Subcommittee's Hearing Record on the Bill.

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1 - Jim Lynch (C/OGCR/NFAC)

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OLC:DSA:sf (9 August 1979)